

GOVERNMENT OF ANDHRA PRADESH
A B S T R A C T

Public Services- I & CAD Department-Disciplinary action initiated against Sri B. Sudhakar DEE, IB sub-division, Kagaznagar on the allegation of misappropriation of Govt. money – punishment of dismissal from service awarded-Filed O.A.No. 4367/2005 in the APAT – Judgment delivered – Further action dropped and pensionary benefits released – Orders - Issued.

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IRRIGATION & CAD (SER.X.2) DEPARTMENT

G.O.Ms.No. 34

DT: 19.04.2010

Read the following:

1. G.O.Ms.No. 116, I & CAD (CAD.Ser.II) Dept., dt. 16.7.2001.
2. Orders of the Hon'ble APAT in O.A.No. 4367/2005 filed by Sri B.Sudhakar, DEE (U/D), dt. 8.12.2009
3. Representation of Sri B.Sudhakar, DEE(U/D) dt. 22.12.2009.
4. From the ENC(AW), Hyderabad Lr.No.Rc/ENC/SII(I)/38242/93, dt. 23.1.2010.

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O R D E R:

It was brought to the notice of the Government that Sri B.Sudhakar, DEE has misappropriated Government money which was kept at his disposal by DRDA Adilabad for executing Nazrulnagar Project, IRDAP 1992-93 during his incumbency as DEE, IB Division, Kagaznagar.

Whereas, disciplinary action was initiated against Sri B.Sudhakar, DEE and conducted a regular enquiry by the COI. The COI has submitted inquiry report. Government after careful examination of the entire matter and following the due procedure, have issued orders in the G.O.1st read above, imposing a punishment of dismissal from service on Sri B.Sudhakar , DEE , IB Sub-division, Kagaznagar, for the charge of misappropriation of Govt. money held proved.

Aggrieved by the above orders, Sri B.Sudhakar, DEE(dismissed from service) was filed O.A. No. 4367 of 2005 before the APAT with a prayer to set aside the punishment orders. The Hon'ble APAT was admitted the O.A and delivered the judgment on 8.12.2009 in O.A. No. 4367 of 2005 filed by Sri B.Sudhakar DEE (dismissed from service). The Hon'ble APAT has observed that;

"In the case on hand, all the above mandatory provisions are not at all observed and no enquiry was conducted against the applicant. Only certain documents, which are neither admitted nor proved, are taken into account. Therefore, it is not at all an enquiry, as contemplated under Rule 20 of the APCS (CC &A) Rules, so, it is clear that the disciplinary authority failed to notice these major lapses and without application of mind, the enquiry report was submitted, and therefore, it cannot be upheld. Therefore, the enquiry report and the impugned G.O.Rt.No.116, I & CAD Department, dt. 16.7.2001 are liable to be set aside. The application is allowed. The impugned G.O.Rt.No.116, Irrigation & CAD Department, dt.16.7.2001, finding the applicant guilty of the charge framed against him and imposing the penalty of dismissal, is set-aside. However, the respondents are at liberty to conduct a fresh enquiry in the matter under Rule 20 of the APCS (CC&A) Rules, 1991.

In the reference 3rd read above, Sri B. Sudhakar, DEE (dismissed) has submitted a representation to the Government stating that the Hon'ble APAT has set-aside the dismissal orders, and requested the Government to release the pensionery benefits which he is eligible.

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Government after careful examination of the matter keeping in view of the orders of the APAT, and taking a lenient view , it has been decided to release the pensionary benefits to Sri B.Sudhakar, Deputy Executive Engineer, on humanitarian grounds by dropping further action against him. Accordingly, hereby order to release the pensionary benefits to Sri B. Sudhakar, Deputy Executive Engineer, by dropping further action against him.

The Engineer-In-Chief (Admn. Wing) is requested to take necessary action accordingly, Regarding if any financial loss to the Govt. exchequer , the Engineer-In-Chief (Admn.Wing) should ensure that there is any financial losses to Govt. exchequer, and the same may be recovered from the pensionary benefits of Sri B.Sudhakar, Deputy Executive Engineer

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S.P.TUCKER
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Engineer-In-Chief (Admn. Wing),
I & CAD Dept., Hyderabad.
The individual through
the Engineer-In-Chief (Admn.Wing) Hyderabad.
Copy to:
The Accountant General, Andhra Pradesh, Hyderabad.
SF/SC.

//FORWARDED: : BY ORDER//

SECTION OFFICER